

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN MARCOS UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2015020007

ORDER GRANTING JOINT REQUEST  
TO MODIFY MARCH 10, 2015 ORDER  
GRANTING CONTINUANCE AND TO  
CONTINUE FIRST DAY OF HEARING

On March 23, 2015, the parties jointly filed a request to modify the Office of Administrative Hearings' March 10, 2015 Order granting a joint request for continuance, which set the due process hearing for April 23, 27, 28 and 29, 2015.. The parties noted that Student's attorney has an unresolvable conflict with the first day of hearing, April 23, 2015, and requested that the first day of hearing be continued to April 27, 2015.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is granted.

The hearing date of April 23, 2015, is vacated. The due process hearing shall take place on April 27, 2015, at 1:30 p.m., and April 28 and 29, 2015, at 9:00 a.m., and continuing day to day Monday through Thursday as needed at the discretion of the Administrative Law Judge. All other dates are confirmed.

IT IS SO ORDERED.

DATE: March 24, 2015

/s/

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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings